

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

JORGE L. RUBIO,

Plaintiff,

v.

MIKE KANALAKIS, et al.,

Defendants.

No. C 10-1963 JSW (PR)

**ORDER DENYING MOTION TO  
MAINTAIN SURVEILLANCE  
VIDEO AND FOR  
RECONSIDERATION**


(Docket No. 29)

Plaintiff filed this pro se civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff is civilly committed in a California prison pursuant to California's Sexually Violent Predator Act, Cal. Welf. & Inst. Code §§ 6600, et seq. ("SVPA"). He sues officials of the Monterey County Jail for housing him in conditions similar to those of criminal detainees when he was in custody there awaiting commitment proceedings under the SVPA. Defendants' motion to dismiss was granted in part because certain of Plaintiff's claims were found untimely. Plaintiff has moved for an order directing Defendants to preserve and maintain "any and all" surveillance videos that depict Plaintiff "in any way." Plaintiff has not explained the relevance of the surveillance video to his claims, and his request is clearly overbroad insofar as it would include video of him sleeping and other clearly irrelevant activities. Plaintiff's motion is

1 DENIED. Plaintiff also indicates that he intends to seek reconsideration of the  
2 dismissal of some of his claims as untimely because he did not have sufficient education  
3 or legal knowledge to bring those claims earlier. Plaintiff is DENIED leave to file a  
4 motion for reconsideration. *See Rasberry v. Garcia*, 448 F.3d 1150, 1154 (9th Cir.  
5 2006) (pro se habeas petitioner's lack of legal sophistication is not, by itself, an  
6 extraordinary circumstance warranting equitable tolling).

7 IT IS SO ORDERED.

8 DATED: September 25, 2012

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10 JEFFREY S. WHITE  
11 United States District Judge  
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Defendant.

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Case Number: CV10-01963 JSW


**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 25, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jorge L. Rubio  
P.O. Box 5003-Unit 6  
Coalinga, CA 93210

Dated: September 25, 2012

  
Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk